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# City Charter - Rockland Maine

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(Amended 11/5/02 to “gender neutral” terms)

# ROCKLAND, MAINE CITY CHARTER

## ARTICLE I Powers of the City

### Sec. 101 Corporate Existence Retained

The inhabitants of the City of Rockland within the corporate limits as now established or as hereafter established by law, shall continue to be a municipal corporation by the name of "City of Rockland, Maine".

### Sec. 102 Powers of the City

The City shall have all powers possible for a municipality to have under the Constitution and laws of Maine. The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this charter shall not be construed as limiting in any way the general power stated in this Article.

### Sec. 103 Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions thereof, or of the United States or any agency thereof.

## ARTICLE II The City Council

### Sec. 201 Composition, Eligibility, Election, Term, Organization

(a) Composition. There shall be a City Council of five members nominated and elected by the qualified voters of the City at large, as provided in Article VI.

(b) Eligibility. Only qualified voters of the City shall be eligible to hold the office of City Councilor, and councilors must reside within the City during their term of Office.

(c) Election and Terms. Councilors shall be elected to serve staggered terms of three years. At each election, councilors shall be elected to fill the positions of those whose terms expire.

(d) Organization of the Council. The City Council shall meet in its chambers at 7:30 P.M. on the second Monday following the regular City election and those elected shall be sworn to the faithful discharge of their duties by the City Clerk or the City Clerk's representative.

(e) The City Council shall within one year of the acceptance of this charter, adopt by ordinance a code of ethics for its members, and shall make whatever provisions may be necessary for its enforcement. The council shall seek qualified assistance and shall appropriate sufficient funds to carry out the provisions of this section.

### Sec. 202 Compensation

Each member of the City Council, except the mayor, shall receive annual compensation in the amount of eight hundred dollars. The Council shall determine by resolution what part of this sum shall be designated as salary and what part shall be designated as expenses. Councilors shall receive no other compensation for the performance of their duties as members of the Council.

### Sec. 203 The Mayor

(a) Election. At its organizational meeting, the Council shall elect from among its members by majority vote an officer of the City who shall have the title of mayor and who shall serve until the next organizational meeting of the Council.

(b) Duties. The mayor shall be recognized as head of the City government for all ceremonial purposes. The Mayor shall preside as the chairman of the council and shall be entitled to vote on all questions, but shall have no regular administrative duties.

(c) Absence, Resignation, Removal. During the temporary absence of the mayor, the council may elect a chairman pro tempore from among its members who shall exercise all powers of the mayor during such temporary absence. If the mayor should resign or be removed from office for any reason, the council may elect from among its members an acting mayor who shall exercise all the powers of the mayor until the next organizational meeting.

(d) Compensation. The mayor shall receive annual compensation in the amount of one thousand dollars, subject to the same division and restriction as other members of the council in section 202.

## **Sec. 204 Powers and Duties of the Council**

(a) General Powers. All powers of the City shall be vested in the council except as otherwise provided by law or this charter. The council shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the municipality by law. The council shall be the municipal officers of the City.

(b) Specific Powers.

(1) The City Council shall have legal custody of all city-owned buildings and land.

(2) The City Council by order shall fix the salaries of officials elected by the City Council except that of the mayor. Salaries of the appointees of the City Manager shall be fixed by the City Manager.

(3) The City Council is authorized and empowered to enact an ordinance establishing a municipal dock or pier and appropriate money for its acquisition, management, control and maintenance. Such is hereby declared to be a public purpose and a public use. The City may exercise for this purpose either or both the right of condemnation and the right of laying out a town way being permissible to low water mark.

(4) Any two or more departments may be combined by action of the council.

(5) Departments may be created, enlarged, reduced or abolished by action of the council.

(c) Residue of Powers. All other powers now or hereafter vested in the inhabitants of said City and all powers granted by this charter, except as herein provided, shall be vested in the City Council.

## **Sec. 205 Prohibitions**

(a) Holding Other Office. Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Corporation Act, no councilor shall hold any other city office or city employment, or provide any goods or services, (except by bid), to the City during the term for which the councilor was elected. No former councilor shall hold any compensated city office or employment until one year after the expiration of the term for which the former councilor was elected to the council except as otherwise provided in this charter.

(b) Appointments and Removals. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any City Administrative officers or employees whom the manager or any of the manager's subordinates are empowered to appoint. The Council may express its views and fully and freely discuss with the manager anything pertaining to appointment or removal of such officers or employees.

(c) Interference with Administration. Except for the purpose of inquiries and investigation under section 209, the council or its members shall deal with City officers who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

## **Sec. 206 Vacancies, Forfeiture of Office, Filling Vacancies**

(a) Vacancies. The office of councilor shall become vacant upon the nonacceptance, resignation, abandonment, death, permanent disability, permanent incompetency, failure to qualify for the office within ten days after written demand by the council, forfeiture of office, or failure of the municipality to elect a person to the office.

(b) Forfeiture of Office. A councilor shall forfeit the councilor's office if the councilor: (1) lacks at any time during the councilor's term of office any qualifications for the office prescribed by this charter or by law; (2) violates any express prohibition of this charter; (3) is convicted of a crime or offense which is reasonably related to the inability to serve as councilor; or (4) fails to attend three consecutive regular meetings of the council without being excused by the council.

(c) Filling Vacancies. If a seat on the council becomes vacant, the vacancy shall be filled at the next regular or special election. Should the City Council by vote deem it in the best interests of the City to fill such vacancy before the next scheduled election, then the vacancy shall be filled within 60 days by a special election called by the council for that purpose.

## **Sec. 207 Judge of Qualifications**

The Council shall be the judge of the election and qualification of all officers elected by the voters under this charter and of the grounds for forfeiture of their office, and, for that purpose shall have the power to enact an ordinance providing for the compulsory attendance of witnesses, the administering of oaths, and the compulsory production of evidence. An officer charged with conduct constituting grounds for forfeiture of said officer's office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one week in advance of the hearing.

## **Sec. 208 City Clerk**

(a) Appointment and Term. The City Council shall elect an officer of the city to serve at its pleasure, who shall have the title of City Clerk.

(b) Powers and Duties. The clerk or the clerk's representative shall give notice of council meeting, shall attend all meetings of the council and keep a journal of its proceedings, shall authenticate by the clerk's signature and record in an indexed ordinance manual all ordinances, resolutions, proclamations, and orders of the council. Such manual shall be available and open to public inspection. The City Clerk shall perform such other duties as shall be required by this charter or by ordinance. The City Clerk shall issue to any person appointed to any city office by the City Council or by the City Manager, a certificate of such appointment. The City Clerk shall perform all duties and exercise all powers incumbent upon or vested in town and City Clerks generally which are not inconsistent with this charter, and shall be the custodian of the City seal and official records of the City.

(c) Clerk Pro Tempore. In case of the temporary absence of the City Clerk, the City Council may appoint a clerk pro tempore with all the powers, duties, and obligations of the City Clerk, who shall be duly qualified.

## **Sec. 209 Investigations**

The Council may make investigations into the affairs of the City and the conduct of any City Department, office, or agency and for this purpose may enact an ordinance providing for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

## **Sec. 210 Procedure**

### **(a) Meetings.**

(1) Regular Meetings. The council shall meet regularly at least once in every month at such time and place as the council may prescribe by rule. A public forum of not longer than thirty minutes shall be part of each regular meeting of the council, at which time Rockland citizens shall be given an opportunity to be heard on matters concerning City business.

(2) Special Meetings. Special meetings may be held on the call of the mayor or of three or more councilors by causing a notification to be given in hand or left at the usual dwelling place of each councilor. Such notice shall be given no less than twelve hours before the special meeting and shall be published in a newspaper having general circulation in the City, and shall comply with the provisions of 1 MRSA, § 406 or any amendments thereto.

(3) Executive Meetings. All meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which is outlined in 1 MRSA, § 405 or any amendments thereto, provided that the subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda. All executive meetings of the council shall conform to the provisions of 1 MRSA, § 405 or any amendments thereto.

(b) Rules of Procedure. The council shall adopt its own rules of procedure and order of business and shall make lawful regulations for enforcing the same.

(c) Actions of the Council. The council shall act only by ordinance, order, and resolution. All ordinances, orders, and resolutions, except those pertaining to appropriations, shall be confined to one subject which shall be clearly stated in the title. Appropriations ordinances shall be confined to the subject of appropriations.

(d) Journal of Proceedings. The council shall keep a journal of its proceedings which shall be open to public inspection at the office at the office of the City Clerk.

(e) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Three members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members as prescribed by the rules of the council. No action of the council, except as provided in the preceding sentence, shall be binding or valid unless adopted by the affirmative vote of three or more members of the council.

## **Sec. 211 Action Requiring an Ordinance**

In addition to other acts required by law or specific provision of this charter to be done by ordinance, those acts of council shall be by ordinance which:

- (1) Adopt or amend an administrative code, or establish, alter or abolish any city department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Authorize the borrowing of money, except borrowing (i) in anticipation of taxes and federal or state revenue sharing and federal or state aid in accordance with applicable provisions of the Maine Revised Statutes, (ii) to refund outstanding bonds or notes, and (iii) in 1981 to pay and discharge up to \$600,000 of Tax Anticipation Notes of the City (the proceeds of which were used to pay debts of the city outstanding on December 21, 1980) by the issuance of notes or bonds with equal annual payments of

principal payable over a term not exceeding 10 years.

(6) Convey or lease or authorize the conveyance or lease of any city owned land; and

(7) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance, by order, or by resolution.

## **Sec. 212 Ordinances in General**

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be: "The City of Rockland hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the Rockland Code shall set out in full the ordinance sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by striking out type, and shall indicate new matter by underscoring or by italics.

(b) Procedure. An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance the City Clerk shall read the ordinance, unless waived by a majority of the council, shall distribute a copy to each councilor and to the manager, shall file a reasonable number of copies in the office of the clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing the City Clerk shall read the ordinance a second time unless waived by a majority vote of the council. The council may adopt the ordinance with or without amendment or reject it; but, if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance. As soon as practicable after the adoption of any ordinance, the City Clerk shall have it published again together with a notice of its adoption.

(c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of thirty days after adopting or at any later date specified therein.

(d) "Publish" Defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the City; (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

## **Sec. 213 Emergency Ordinances**

To meet a public emergency affecting life, property, or the public peace, the council may adopt one or more emergency ordinances; but said ordinances may not grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except where an emergency note or renewals thereof are paid within twenty-four months of the adoption of said ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that the emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least three members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except ones authorizing the issuance of emergency notes shall automatically stand repealed as of the sixty-first day following the date on which it was adopted but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

## **Sec. 214 Authentication and Recording; Codification; Printing**

(a) Authentication and Recording. All ordinances and resolutions adopted by the Council shall be authenticated by the signature of the City Clerk and recorded in full by the Clerk in a properly indexed journal kept for the purpose.

(b) Codification. Within three years after the adoption of this charter and at least every ten years thereafter, the council shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance, shall be indexed, and shall be printed promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulations as the council may specify. Any codification ordinance may be published by title. This compilation shall be known and cited officially as the Rockland City Code. Copies of the code shall be furnished to officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

(c) Printing of Ordinances and Resolutions. The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following adoption, and the printed ordinances, resolutions, and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Rockland City Code and at all times thereafter, the ordinances, resolutions, and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein.

The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the institution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the code.

## **ARTICLE III The City Manager**

### **Sec. 301 Appointment; Qualifications; Compensation**

The council shall appoint a City Manager for an indefinite term and fix the manager's compensation. The manager shall be appointed on the basis of the manager's executive and administrative qualifications. The manager need not be a resident of the City or State at the time of the manager's appointment but may reside outside the City while in office only with the approval of the council.

### **Sec. 302 Removal**

The council may remove the manager from office in accordance with the following procedures:

1) The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five days. A copy of the resolution shall be delivered promptly to the manager.

2) Within ten days after receiving a copy of the resolution, the manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than fifteen days nor later than thirty days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.

3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after ten days from the date when a copy of the preliminary resolution was received by the manager, if the manager has not requested a public hearing, or at any time after the public hearing if the manager has requested one.

4) The manager shall continue to receive the manager's salary until the effective date of a final resolution of removal.

### **Sec. 303 Temporary and Acting Manager**

(a) Temporary Manager. By letter filed with the City Clerk, the manager shall designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of the manager during the manager's temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another person to serve until the manager shall return or the manager's disability shall cease.

(b) Acting Manager. When the office of City Manager becomes vacant, the council shall appoint a qualified person to exercise the powers and perform the duties of the manager until another manager is selected. This person shall be known as the acting City Manager, and shall serve at the pleasure of the City Council.

### **Sec. 304 Powers and Duties of the City Manager**

The City Manager shall be the chief administrative officer of the City. The manager shall be responsible to the council for the administration of all city affairs placed in the manager's charge by or under this charter. The manager shall have the following powers and duties:

1) The manager shall appoint, and, when the manager deems it in the best interest of the City, the manager may suspend, or remove the City employees and appointive officers subject to the provisions of Article IV of this charter. The manager may authorize any officer who is subject to the manager's direction and supervision to exercise these powers with respect to the subordinates in that officer's department, office, or agency.

2) The manager shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this charter or by law.

3) The manager may be required by the council to attend all council meetings and shall have the right to take part in discussion but may not vote.

4) The manager shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by the manager



or by officers subject to the manager's direction and supervision, are faithfully executed.

5) The manager shall prepare and submit the annual budget, the annual capital program and financial and administrative reports to the council.

6) The manager shall prepare and submit to the council such reports and shall perform such duties as the council may require and shall make such recommendations to the council concerning the affairs of the City as the manager deems desirable.

7) The manager shall assume responsibility for the care, superintendence, and management of all city-owned buildings and lands.

8) The manager shall prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year, and cause such annual city report to be published and made available to the public as promptly as possible after the close of the fiscal year.

9) The manager shall perform such other duties as may be prescribed by this charter or required of the manager by the council, not inconsistent with this charter.

## **ARTICLE IV Administrative Organization**

### **Sec. 401 City Departments; Offices and Agencies**

(a) Creation of Departments. The council may establish City departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) Direction by Manager. All departments, offices and agencies, except the office of the City Clerk, shall be under the direction and supervision of the manager, unless otherwise designated in this charter. The City Clerk shall serve under the direct supervision of the council. With the consent of the Council, the manager may serve as head of one or more departments, offices or agencies or may appoint one person as the head of two or more of them.

(c) Annual Review. During January of each year, the council shall meet with the City Manager, and the heads of each department for the sole purpose of evaluating the operation of City government during the previous year. The council may seek the participation of an expert in the field of municipal government at this meeting.

### **Sec. 402 Personnel Administration**

(a) Merit Principle. All appointments and promotions of City officials and employees shall be made on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(b) Personnel Director. The Manager or a person designated by the manager shall be the Personnel Director. The Personnel Director shall administer the personnel system of the City.

(c) Personnel Rules. The Personnel Director shall prepare personnel rules. When approved by the Manager, the rules shall be proposed to the council. The council may adopt them with or without amendment. These rules shall provide for:

(1) The classification of all city positions, based on duties, authority, and responsibility of each position, with adequate provisions for reclassification of any position whenever warranted by changed circumstances;

(2) A pay plan for all city positions;

(3) Methods for determining the merit and fitness of candidates for appointment or promotion;

(4) Policies and procedures regulating reduction in force;

(5) Policies governing disciplinary measures such as suspension, demotion, or discharge, with provisions for presentation of charges, hearing rights, and appeals;

(6) Hours of work, attendance regulations, and provisions for sick and vacation leaves;

(7) Policies and procedures governing persons holding provisional appointments;

(8) Policies and procedures governing relationships with employee organizations, not inconsistent with law;

(9) Policies regarding in-service training programs;

(10) Grievance procedures; and

(11) Other practices and procedures necessary to the administration of the City personnel system.

### **Sec. 403 Appointment of Personnel**

(a) Personnel Appointed by the Council. The following officers of the City shall be elected by a majority of the City Council and shall serve at the pleasure of the Council, subject to other provisions of this charter and state law; a city attorney, a city clerk, a city manager, and a city health officer. The salaries of these officials shall be fixed by order of the council, and each shall be

allowed a deputy or assistant as the council may permit.

(b) Personnel Appointed by the Manager. The following shall be appointed by the City Manager subject to the confirmation of the council; a city assessor, a police chief, a fire chief, a personnel director and a Public Works Superintendent. These officials and department heads shall serve at the pleasure of the City Manager who shall fix the amount of their salaries.

(c) Other Personnel. All other personnel of the City shall be appointed by the Personnel Director. The salaries of such employees shall be fixed by the Personnel Director, subject to confirmation by the City Manager.

#### **Sec. 404 Personnel Advisory Board**

There shall be a five member Personnel Advisory Board. The members of the board shall serve three year staggered terms and shall be appointed by the mayor and confirmed by the council. The mayor shall determine the method of staggering the initial terms of the board members. The board shall elect one of its members as chairman.

Each member of the board shall hold office until such member's successor is appointed and confirmed. A member of the board may be removed by the mayor only for cause after being given a copy of the charges against the member and an opportunity to be heard publicly on such charges before the mayor. The board, upon request of the mayor, the city manager, or at its own initiative, will have the responsibility of providing advice and counsel on all aspects of public personnel administration including, but not limited to the hiring of personnel, manpower utilization, manpower training, and employee salaries. Adequate annual appropriations shall be made to enable the board to carry out effectively the provisions of this section.

#### **Sec. 405 Assessment Administration**

(a) Assessor. There shall be a single assessor appointed by the manager. The assessor shall perform all duties and responsibilities provided for assessors under general law. The assessor may be removed by the manager for cause after notice and hearing. Cause shall not include any disagreement with respect to an assessing practice employed by the assessor where such a practice is generally accepted and lawful.

(b) Board of Assessment Review. The council shall establish by ordinance a board of assessment review, pursuant to state statute.

#### **Sec. 406 Legal Officer**

There shall be a legal officer of the City to be called the City Attorney, elected by the council who shall serve as chief legal advisor to the council, the manager, and through the manager to all City departments, boards, agencies, and commissions. The legal officer shall represent the City in all legal proceedings and shall perform any other duties prescribed by ordinance and law.

#### **Sec. 407 Boards, Commissions, Committees**

(a) Planning Board; Zoning Board of Appeals. The City Council shall create by ordinance a City Planning Board and a Zoning Board of Appeals to be composed of five members each, and to be organized under the guidelines established by state law.

(b) Boards in General. The council may create whatever other boards, commissions, or committees that it deems in the best interest of the City. Such boards, commissions, or committees shall be created by ordinance or resolve and shall serve at the pleasure of the City Council.

(1) Personnel of all boards, commissions and committees shall be appointed by the mayor, with the consent of the Council.

(2) Membership on all boards, commissions and committees shall be for three year terms unless otherwise specified by this charter or by the council.

(3) Members of such boards, commissions and committees may be removed before the expiration of their terms for cause by action of the council after public hearing if requested, before the mayor.

(4) Members of all boards, commission, and committees must reside within the City during their terms of office.

### **ARTICLE V Financial Procedures**

#### **Sec. 501 Fiscal Year**

The municipal fiscal year shall be determined by the municipal officers.

#### **Sec. 502 Department of Finance**

There shall be a department of finance, the head of which shall be the Director of Finance, who shall be, or be appointed by, the City Manager.

The Director of Finance shall administer the financial affairs of the City, and to that end, shall have whatever authority may be

granted the Director of Finance by the City Council by ordinance.

(a) Division of Purchases. There shall be established in the department of finance a division of purchases, the head of which shall be the purchasing agent. The purchasing agent, pursuant to rules and regulations established by ordinance, shall contract for purchases, store and distribute all supplies, materials, and equipment required by any office, agency, or department of the City government.

(b) Accounting Control of Purchases. All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department, or agency whose appropriation will be charged, and no contract to order shall be issued to any vendor unless and until the director of finance certifies that there is to the credit of such department, office or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

(c) Competitive Bidding. Before the city purchasing agent makes any purchase of or contracts for supplies, materials, or equipment, the purchasing agent shall give ample opportunity for competitive bidding, under such rules and regulations, and with such exceptions, as the council may prescribe by ordinance; provided, however that the council shall not except individual contracts, purchases or sales from the requirement of competitive bidding. The ordinance may authorize the city purchasing agent to combine with other units of government or with a state association of municipalities for purchasing purposes.

(d) Contracts for City Improvement. Any city improvement costing more than \$1,000 shall be executed by contract except where such improvement is authorized by the council to be executed directly by a city department in conformity with detailed plans, specifications, and estimates. All such contracts for more than \$1,000 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the City Manager shall have the power to reject all bids and advertise again or negotiate with the lowest bidder. Alterations in any contract may be made when authorized by the council upon the written recommendation of the City Manager.

### **Sec. 503 Submission of Budget and Budget Message**

(a) Submission. At least forty days prior to the beginning of each fiscal year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. The council may establish whatever regulations may be necessary to carry out the purposes of this Article.

(b) Budget Message. The manager's message shall explain the budget both in fiscal terms and in terms of departmental work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the manager or the council deem desirable.

### **Sec. 504 Budget**

The budget shall provide for a complete financial plan for the use of all city funds and for activities for the ensuing fiscal year. Except as required by this charter the Budgetary Proposal shall be compiled as the manager deems desirable or the council may require. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicate the proposed tax levy, and all proposed expenditures, including debt service, for the ensuing year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs and the method of financing such expenditures;

2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable and the proposed method of financing each such capital expenditure; and

3) Breakdown of Proposed Expenditures. Each municipal department shall be separated and shall be assigned an appropriation number. The proposed expenditure shall be detailed in terms of departmental programs and assigned an appropriation number. Each departmental program shall be further detailed as nearly as practicable listing anticipated expenses by line item. Each line item shall be assigned a number.

The total of proposed expenditures shall not exceed the total of estimated income.

### **Sec. 505 Capital Program**

(a) Submission to Council. The manager shall prepare and submit to the council a five year capital program at least three months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

### **Sec. 506 Council Action on Budget**

(a) Notice of Hearing. The council shall publish in one or more newspapers of general circulation in the City the general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

(b) Amendment Before Adoption. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget it may add or increase programs, items and amounts, and may delete or decrease any program or amount, except expenditures required by law or for debt service for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

(c) Adoption. The council shall adopt the budget on or before the fifteenth day of the twelfth month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

(d) Bond issued in the amount of \$100,000 or more shall require the approval of the voters through referendum election.

### **Sec. 507 Council Action on Capital Program**

(a) Notice and Hearing. The Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital program and a notice stating:

- (1) The times and places where copies of the capital program are available for inspection by the public; and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

(b) Adoption. The Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the fifteenth day of the twelfth month of the current fiscal year.

### **Sec. 508 Public Records**

Copies of the budget and capital program as adopted shall be public records and shall be made available to the public at suitable places in the City.

### **Sec. 509 Amendments After Adoption**

(a) Supplemental Appropriations. If during the fiscal year the manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of temporary notes, which may be renewed from time to time, but the temporary notes for any fiscal year shall be paid not later than the last day of the fiscal year next preceding that which the emergency appropriation was made.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the manager that revenues available will be insufficient to meet the amount appropriated, the manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and the manager's recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(d) Transfer of Appropriations. At any time during the fiscal year the manager may transfer part or all of any unencumbered funds within an item. Upon written request by the manager, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one item to another.

(e) Limitations; Effective Date. No appropriation for debt service may be reduced or transfer and no appropriation may be reduced below any amount by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be effective immediately upon adoption.

### **Sec. 510 Lapse of Appropriations**

Every general fund appropriation except for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned if three years without disbursement from or encumbrance of appropriation.

### **Sec. 511 Administration of Budget**

(a) Work Programs and Allotments. At such times as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriations by periods within the year. The manager shall review and authorize such allotments during the year if the manager deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 509.

(b) Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or the manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal for any officer who knowingly authorized or made such payment or incurred such obligation, and such officer shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

### **Sec. 512 Annual Post-Audit**

The Council shall each year appoint a qualified public accountant for the purpose of conducting an annual post-audit of the prior fiscal year's municipal finances, as authorized by law.

### **Sec. 513 Borrowing for Capital Improvements**

(a) Power to Issue Bonds and Notes. The City Council may incur indebtedness by issuing bonds or notes pursuant to the provisions of this section for any capital project which it may lawfully conduct under this charter and the laws of the State of Maine.

(b) Definition of Terms. For purposes of this section "capital project" shall mean: (1) any physical construction, betterment, or repair and any preliminary studies relative thereto; (2) the acquisition of property by purchase; (3) the purchase of equipment for any public betterment.

(c) Procedure of Issuing Bonds and Notes.

(1) Bonds and notes shall be approved by vote of the council pursuant to the regulations in Section 212 of this charter.

(2) If the total amount of the bonds specified in a "bond ordinance" is more than \$100,000 that "bond ordinance" shall be submitted to the voters at the next regular or special election, and the bond shall not be negotiated unless approved by majority vote at that election.

(3) The City Council may issue term notes by ordinance, but the aggregated total of the City's indebtedness on notes shall not exceed \$200,000, excepting notes issued pursuant to Section 514.

(4) In anticipation of the issuance of bonds, the council may by resolution authorize the issuance of negotiable notes, when it shall have theretofore authorized the issuance of bonds. Each such note shall be designated "bond anticipation note" and, including renewals, shall mature and be paid not more than 14 calendar months after the date of issuance of the original note. Unless otherwise provided by ordinance, all bond anticipation notes may be sold by the director of finance at private sale without previous offering.

### **Sec. 514 Other Borrowings**

The City Council may by resolution authorizing borrowings (1) in anticipation of taxes and federal and state revenue sharing

and federal and state aid in accordance with applicable provisions of the Maine Revised Statutes, (2) to refund any outstanding notes or bonds, and (3) in 1981 to pay and discharge up to \$600,000 of Tax Anticipation Notes of 1981 of the City (the proceeds of which were used to pay debts of the City outstanding on December 31, 1980) by the issuance of notes or bonds with equal annual payments of principal payable over a term not exceeding 10 years. Any notes or bonds issued pursuant to this section shall be sold at public or private sale as the council may direct.

## **ARTICLE VI Nominations and Elections**

### **Sec. 601 General Provisions**

(a) Conduct of Elections. The regular municipal election shall be held on the Tuesday following the first Monday of November in each year or at such other times as may be designated by the state legislature as election day in the State of Maine. Except as otherwise provided by this charter, the provisions of Titles 21-A and 30-A of the Maine Revised Statutes shall apply to elections under this charter. All elections called for under this charter shall be conducted by the election officials established under Title 21-A. For the conduct of elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of fraud or doubt, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter. Qualified voter shall mean any person qualified and registered to vote in Rockland under law.

(b) Elective Position. There shall be elected at each regular municipal election: members of the City Council to fill as many seats as shall become vacant through expiration of term or other reason; a warden, and a ward clerk.

(c) Terms of Office. The term of office of any elected officer shall begin on the fifth business day following the final determination of said officer unless otherwise designated in this charter. Any officer shall serve for said officer's proscribed term or until said officer's successor is elected and qualified.

### **Sec. 602 Nominations**

(a) Petitions. Candidates for the office of council, warden, or ward clerk shall be nominated by petition. Any qualified voter of the City may be nominated for election as a councilor, warden or ward clerk by a petition signed by not less than 100 nor more than 150 qualified voters of the City for the office of councilor and not less than fifteen nor more than thirty qualified voters of the City for warden or ward clerk. The signatures to a nomination petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in the circulator's presence and that the circulator believes each signature to be the genuine signature of the person whose name it purports to be. The signatures to a nomination petition shall be executed in ink or indelible pencil. Each signer shall indicate next to the signer's signature the date of the signer's signing and the street address, if any, where the signer resides. A voter may sign as many nomination petitions as there are candidates for any office, but in no case may a voter sign a petition for any candidate more than once for a given election. Eff: 11/5/02.

(b) Filing and Acceptance of Petitions. All separate papers comprising a nomination petition shall be assembled and filed with the City Clerk as one instrument not earlier than ninety days or later than 45 days before the election. The City Clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of nomination.

(c) Procedure After Filing Petitions. Within five days after the filing of a nominating petition, the clerk shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this charter. If a petition is found insufficient, the clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

### **Sec. 603 List of Candidates to be Certified**

The City Clerk shall certify a list of candidates and shall cause to be published in one or more newspapers published or having general circulation in the City of Rockland, the names, residences, and offices to which nominated, of the candidates who have duly filed the above prescribed petition and acceptance.

### **Sec. 604 Preparation of Ballots**

Specimen ballots and official ballots for use in all City elections shall be prepared by the City Clerk at the expense of the City, pursuant to statutes.

### **Sec. 605 Names on Ballots**

The full names and addresses of all candidates nominated for councilor, warden and ward clerk except those who have withdrawn, died, or become ineligible, shall be printed on the official ballots without party designation under headings reading:

"Nominees for Councilor", "Nominees for Warden", and "Nominees for Ward Clerk". The position of the candidates names on the ballot shall be determined by lot and shall appear under the title of the office to be filled. A drawing for these positions shall be conducted by the City Clerk at which time the candidates or their representatives may be present. Candidates shall be notified of the time and place of such drawing at least 24 hours in advance. The name and residence of each candidate shall be given. To the left of each name shall be a square within which the voter shall place a cross (x) or a check, to designate the voter's choice. A blank space shall be left at the end of the list of candidates for each office in which the voter may insert the name of any person not printed on the ballot for whom the voter desires to vote. The person whose name is inserted must be a qualified voter in Rockland.

### **Sec. 606 Determination of Election Results**

- (a) Number of Votes. Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
- (b) Plurality. Elections shall be determined by plurality vote. In case of a tie, following a ballot inspection and recount, a second election shall be held no later than sixty days after the tie is determined to decide which of the candidates tied for the office shall be elected.

### **Sec. 607 Preparation for Central Count**

Before each election the council shall: designate a central counting place where all the ballots shall be brought together and counted publicly; appoint a competent person to act as director of the count; employ and provide for the training of a sufficient staff of assistants, (subject to any regulations of the council); fix a definite compensation for the director and for each member of the staff; provide for the property disposition and counting of ballots deposited on election day in the wrong ballot box; prepare detailed regulations for the count which shall be issued in advance to the members of the counting force, to the candidates and to their representatives at the central count; and make other suitable arrangements for the counting of the ballots subject to the provisions of this charter.

### **Sec. 608 Assembling the Ballots**

As soon as the polls have closed, the election officials at each voting place shall, without opening it, seal the ballot box and send it at once, as the City Clerk may direct, to the central counting place for the City. They shall send with it a record of the number of ballots cast therein.

### **Sec. 609 Checking the Returns**

At the central counting place the ballot boxes shall be opened and the numbers of ballots found therein recorded and compared with the records sent from the corresponding voting places. The records thus compared shall be made available to the public with notations explaining any corrections made therein. If any discrepancy appears which cannot be reconciled, it shall be shown on the record. All ballots found in the ballot boxes which show no evidence that they have been improperly cast shall be accepted.

The ballots in each ballot box shall also be examined for validity and those which are found to be invalid or blank shall be separated from the rest. The numbers of valid, invalid and blank ballots from each voting place and the total number of each for the whole city shall be recorded.

### **Sec. 610 Valid and Invalid Ballots**

A ballot shall be held invalid if it does not clearly show which candidate the voter prefers to all others. Every ballot not thus invalidated shall be counted according to the intent of the voter so far as can be clearly ascertained, whether marked according to the directions printed on it or not. No ballot shall be held invalid because it is marked in ink or in pencil different from the one supplied at the voting place, or because the names of candidates thereon for whom the voter did not mark a choice have been stricken out.

### **Sec. 611 Ballots for Ordinances**

An ordinance to be voted on pursuant to Section 701 shall be presented for voting by ballot title. The ballot title of an ordinance may differ from its legal title and shall be a clear, concise statement describing the substance of the ordinance without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above-described ordinance be adopted?" Immediately below such question shall appear in the following order, the words "yes" and "no" and to the left of each

a square in which the voter may cast a vote.

## **Sec. 612 Voting Machines**

The council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

# **ARTICLE VII General Provisions**

## **Sec. 701 Initiative and Referendum**

The council shall establish by ordinance provisions for the qualified voters of the city to exercise the powers of initiative and referendum under the guidelines of state statute.

## **Sec. 702 Length of Contracts and Bonding**

(a) Contracts Extending Beyond One Year. No contract involving payment of money out of the appropriation of more than one year (other than contracts in which rates are subject to approval of the public utilities commission), shall be made for a period of more than five years; nor shall any such contract be valid unless made or approved by ordinance.

(b) Bonds. The City Council shall require a corporate surety bond in such amount as it may specify, from all persons trusted with the collection, custody or disbursement of any public monies, and may require such bond from other officials as it may deem advisable. The City Attorney shall approve every bond as to form and sufficiency of surety prior to its acceptance by the City. The premiums on such bonds shall be paid by the City.

## **Sec. 703 Oath of Office**

Every officer of the city shall, before entering the duties of such office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Clerk: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine that I will in all respects, observe the provisions of the charter and ordinances of the City of Rockland, and will faithfully discharge the duties of the office of ....."

## **Sec. 704 Publicity of Records**

All records and accounts of every office, department, or agency of the City shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the City Manager, except such records as are required by State law to be kept confidential or such records as may be kept confidential under 1 MRS, § 402(3).

## **Sec. 705 Separability**

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby. If any provision of this charter is held invalid by reason of any conflict with State or Federal law, the provisions of the applicable State or Federal law shall automatically become incorporated into this charter in place of the invalid charter provision.

## **Sec. 706 Power to Recall.**

Any elected official may be recalled and removed by the voters of the City as herein provided.

Procedure for Filing Petition. Any five (5) or more qualified voters of the City may make and file with the City Clerk an affidavit containing their names, addresses, the address to which all notices are to be sent and the name of the elected official whose removal is sought and a general statement of the reasons why removal is desired. The City Clerk shall thereupon deliver to the voter making such affidavit copies of petition blanks, printed forms of which shall be kept on hand. Such blanks shall be issued by the City Clerk with the City Clerk's signature and official seal thereto attached; they shall be dated and addressed to the City Council, shall contain the name of the persons to whom issued, the number of blanks so issued. Separate affidavits shall be made and filed and separate petition blanks shall be issued and circulated for each official whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the City Clerk.

The recall petition, to be effective, must be returned and filed with the City Clerk within thirty (30) calendar days after the filing of the affidavit. The petition, before being returned and filed, shall be signed by the registered voters of the City to the number of at least fifteen (15) percent of the number of registered voters in the City as determined at the time of the last preceding regular municipal election.



Signatures to Petitions. The signatures to petitions need not all be affixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating that they, and they only, personally circulated the foregoing paper; that it bears a stated number of signatures; that each signature appended thereto was made in the circulator's presence and is to the best of the circulator's knowledge and belief the genuine signature of the person whose name it purports to be. With each signature shall be stated the same name printed, the place of residence of the signer, giving the street and number of the street or other description sufficient to identify the same.

Filing, Examination and Certification of Recall Petitions. All petition papers comprising a recall petition shall be assembled and filed with the City Clerk as one instrument. Within ten (10) working days after a petition is filed, the City Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted, unless void on other grounds. If the City Clerk's certificate shows the petition to be insufficient, the City Clerk shall forthwith so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within the five (5) days after the giving of the notice, by filing of a supplementary petition upon additional papers, issued, signed and filed as provided herein for the original petition. The City Clerk shall, within ten (10) working days after such amendment, make like examination of the amended petition, and attach thereto the certificate of the result. If then found to be insufficient, or if no amendment was made, the City Clerk shall file the petition in the City Clerk's office and shall notify each of the persons, designated thereon as filing it, of that fact. The final finding of insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. After completing examination of the petition, the City Clerk shall certify the result thereof to the City Council at its next regular meeting. If the City Clerk shall certify that the petition is insufficient, the particulars in which it is defective shall be set forth in the certificate.

Calling of recall election. If the petition or amended petition shall be certified by the City Clerk to be sufficient, the City Clerk shall submit the same with the certificate to the City Council at its next meeting and shall notify the member or members whose removal is sought of such action. The City Council shall at such meeting order an election to be held not less than thirty (30) nor more than sixty (60) days after the Council meeting; provided that, if the date set for the special election shall fall within four (4) months of the next regular or state or municipal election, no such special election shall be called and the question shall be submitted at the regular election.

Form of ballot in recall election. Unless the member or members whose removal is sought shall have resigned before the receipt by the City Council of the City Clerk's certificate, the form of the ballot at such election shall be as nearly as may be: "Shall "A" be recalled? Shall "B" be recalled?" etc., (the name of the member or members whose recall is sought being inserted in place of "A", "B", etc.) In case of a majority of those voting for and against the recall of any official shall vote in favor of the recall, such official shall be thereby removed, provided however that the total number of votes cast equal or exceed 30% of the votes cast in the last gubernatorial election. Any such vacancy shall be filled at the next scheduled regular or special election. Should the City Council by vote deem it in the best interest of the City to fill such vacancy before the next scheduled election, then the vacancy shall be filled within sixty (60) days by a special election called by the Council for that purpose.

Procedure on refusal of City Council. Should the City Council fail or refuse to order an election as herein provided, such election may be ordered by any Justice of the Supreme Judicial Court. Eff: 11/7/00

## **ARTICLE VIII Transitional Provisions**

### **Sec. 801 Time of Taking Effect**

This charter shall have the full force and effect of the law on the first day of the calendar year following its adoption by the voters of the City of Rockland, except amendment thereto which shall become effective immediately.

### **Sec. 802 First Budget**

Upon the taking of effect of this charter, the budget for the next prior fiscal year shall be deemed to be adopted for a period of six months and the council shall adopt a budget for the first fiscal year under the provisions of this charter before July 1, 1979.

### **Sec. 803 Officers and Employees**

(a) Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided shall affect or impair the

rights or privileges of persons who are city officers or employees at the time of its adoption.

(b) Continuation of Office or Employment. Except as specifically provided by this charter, if at the time this charter takes full effect a City administrative officer or employee holds any office or position which is or can be abolished by or under this charter, such officer or employee shall continue in such office or position until the taking effect of some specific provision under this charter directing that such officer or employee vacate the office or position.

(c) Personnel System. An employee holding a city position at the time this charter takes full effect, who was serving in the same or comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for under this charter.

#### **Sec. 804 Departments, Offices, and Agencies**

(a) Transfer of Powers. If a department, office, or agency is abolished by or under this charter, the powers and duties given it by law shall be transferred to the City Department, office, or agency designated in this charter or, if the charter makes no provision, designated by the council.

(b) Property and Records. All property, records, and equipment of any department, office, or agency existing when this charter is adopted shall be transferred to the department, office, or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the council in accordance with this charter.

#### **Sec. 805 Pending Matters**

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to this charter and in each case shall be maintained, carried on, or dealt with by the City Department, office, or agency appropriate under this charter.

#### **Sec. 806 State and Municipal Laws**

(a) In General. All City ordinances, order, and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances, or resolutions, adopted pursuant hereto. To the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting this city or its agencies, officers, or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

(b) Ordinance Review. Within one year of the acceptance of this charter, the City Council shall review all City Ordinances and make whatever revisions are necessary to conform with this charter.

#### **Sec. 807 Existing Contracts Not Invalidated, Unless Inconsistent**

All rights, actions, proceedings, prosecutions and contracts of the City or of any of its departments, pending or unexecuted when this charter goes into effect and not inconsistent herewith shall be enforced, continued or completed in all respects as though begun or executed hereunder.

#### **Sec. 808 Repealing Clause**

Chapter 106 of the private and special laws of the State of Maine for the year 1923, all acts amendatory thereto, and all acts and parts of acts relating to the City of Rockland inconsistent with the provisions of this charter are hereby repealed.

**Historical Note:** This charter, as revised in 1978 and amended 4/7/81, replaced the charter approved by the Governor 4/19/45, as amended through 1957.

**State Law Reference:** 30-A M.R.S. §§ 2101-2109.